

**Green, LindaE**

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**From:** megan.berge@bakerbotts.com  
**Sent:** Tuesday, January 20, 2015 6:23 PM  
**To:** R6 FOIA  
**Cc:** FOIA HQ; william.bumpers@bakerbotts.com; kmcque1@entergy.com  
**Subject:** Freedom of Information Act Request  
**Attachments:** Entergy FOIA Request.pdf

Attached is a request, on behalf of Entergy Services, Inc., for agency records pursuant to the Freedom of Information Act, 5 U.S.C. § 552, and EPA's implementing regulations, 40 C.F.R. Part 2, Subpart A.

Please note that Entergy is willing to provide EPA with hard drives, or similar storage devices, to facilitate prompt production of the requested material. If you have any questions or need additional information regarding the request, do not hesitate to contact me.

Thank you for your attention to this request.

Megan Berge

Megan Heuberger Berge  
Baker Botts, LLP  
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January 20, 2015

Megan Heuberger Berge  
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VIA E-MAIL (R6FOIA@EPA.GOV)

Regional Freedom of Information Officer  
U.S. EPA, Region 6  
1445 Ross Avenue (6MD-OE)  
Dallas, TX 75202-2733

Re: Freedom of Information Act Request Regarding Modeling Data and Inputs

Dear Sir/Madam:

I am writing to request U.S. Environmental Protection Agency (EPA) records on behalf of my client, Entergy Services, Inc. (Entergy), pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, and the EPA's implementing regulations, 40 C.F.R. Part 2, Subpart A. This request focuses on modeling data and information prepared by EPA in the process of drafting a proposed Regional Haze Federal Implementation Plan for the State of Arkansas. Please note that Entergy agrees to pay fees in excess of \$25 and to provide data storage devices to facilitate production of responsive materials. Thank you for promptly processing this request.

**A. Records Requested**

On December 22, 2014, EPA and Sierra Club lodged a proposed consent decree in the Eastern District of Arkansas that resolves claims that EPA has failed to execute a non-discretionary duty to establish a federal plan for the State of Arkansas implementing the regional haze requirements of Clean Air Act Section 169A(b)(2)(B), 42 U.S.C. § 7491(b)(2)(B), and the associated implementing regulations. *See Sierra Club v. McCarthy*, No. 14-cv-00643-JLH, Dkt. No. 28 (E.D. Ark.). The consent decree requires EPA to issue by February 17, 2015 a proposed rule establishing a federal implementation plan (FIP) for Arkansas (Proposed FIP).<sup>1</sup> EPA will take public comment on the Proposed FIP after it is published in the *Federal Register*.

Entergy seeks air quality modeling, and related data, undertaken to develop the Proposed FIP to allow Entergy -- and other interested stakeholders -- to begin analysis and development of comments. Accordingly, Pursuant to 40 C.F.R. Part 2, Subpart A, Entergy requests that the following Agency records be made available to Entergy and the public:

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<sup>1</sup> Entergy understands that the deadline for EPA to issue the Proposed FIP will be extended to March 6, 2015. At this time, however, the revised deadline is not reflected on the *Sierra Club* docket.

- Comprehensive Air-quality Model with extensions (CAMx) modeling files used to develop the Proposed FIP.
- CAMx modeling input files used to develop the Proposed FIP, including but not limited to emissions files, meteorological data files, and boundary files.
- CAMx modeling output files used to develop the Proposed FIP, including but not limited to raw output files.
- Post processing modeling files related to the Proposed FIP, including PM Source Apportionment Technology (PSAT) post processing files and spreadsheets related to source apportionment.

Entergy defines “records” broadly to include all documents, email correspondence, notes, letters, computer files, and other information bearing on Entergy’s request.

Please produce these records as soon as they are available and on a rolling basis. EPA regulations provide that EPA will provide a response to an information request no later than 20 working days from the date the request is received by the appropriate office. If you have any questions or concerns about this request, please contact me immediately by phone or email.

## **B. Form of Information**

Pursuant to 5 U.S.C. § 552(a)(3)(B), please provide all electronic documents in machine-readable, fully searchable files (such as .doc, .xls, and .pdf files), any paper documents in well-organized mailings, and an index of the materials provided. Entergy requests that electronic modeling files be provided in a format ready for input to the modeling software (for input files) or in the format generated by the appropriate modeling software (for output files). *See* 5 U.S.C. § 552(a)(3)(B) (“[A]n agency shall provide the record in any form or format requested by the person if the record is readily reproducible by the agency in that form or format.”). If, despite reasonable efforts, the information cannot be provided in this format, please provide the record in another machine-readable format. Please note that Entergy is willing to provide EPA with data storage devices (*e.g.* hard drives) to facilitate production of machine-readable documents.

If responsive information or documents include information exempt from production under FOIA and non-exempt information, please provide the portions of the document that are not specifically exempt from disclosure.

## **C. Fees**

Entergy agrees to pay up to \$500 in fees and to provide EPA with data storage devices sufficient to hold the responsive records. If responding to the request will exceed \$500, please contact me immediately for authorization to incur additional fees. Entergy notes that this request is not a commercial use request. Entergy seeks access to the records so that Entergy, and other interested stakeholders, have time to fully participate in the public comment process. Thus, this

request falls into “category four” under 40 C.F.R. §2.107(c)(1)(iv) and should be charged accordingly.

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Thank you for your assistance with this request. If you have any questions or concerns regarding this request, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in purple ink, appearing to read "Megan Berge". The signature is fluid and cursive, with the first name "Megan" and last name "Berge" clearly distinguishable.

Megan Berge

cc: U.S. EPA Headquarters, Freedom of Information Office (hq.foia@epa.gov)